



WESTFIELD-WASHINGTON

BOARD OF ZONING APPEALS

November 9, 2010

1011-VU-06

Exhibit 1

PETITION NUMBER:	1011-VU-06
SUBJECT SITE ADDRESS:	800 East Main Street
APPELLANT:	City of Westfield
REQUEST:	The Appellant is requesting a Variance of Use from the Westfield-Washington Zoning Ordinance (WC 16.04.050, D2) to allow an auto repair business in the LB District.
CURRENT ZONING:	LB
CURRENT LAND USE:	Commercial
APPROXIMATE ACREAGE:	0.8 +/-
RELATED CASES:	1011-VS-07
ZONING HISTORY:	88-V-11; Variance of Use request to allow the manufacturing of cloth products; <i>Approved, but tied to specific owner; Variance is no longer valid</i> 95-AP-43; Site plan and signage plan for an antiques shop; <i>Approved</i> 96-AP-17; Site plan for pole building and signage plan for church; <i>Approved</i> 0506-SE-01; Special Exception for a temporary fruit stand; <i>Approved</i> 1007-VU-03; Variance of Use request to allow an indoor shooting range; <i>Denied</i>
EXHIBITS:	1. Staff Report 2. Aerial Location Map 3. Appellant's Application & Plans
STAFF REVIEWER:	Kevin M. Todd, AICP

PETITION HISTORY

This petition will receive a public hearing at the November 9, 2010 Board of Zoning Appeals (the "BZA") meeting.

ANALYSIS

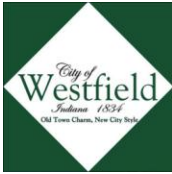
Property Location

The subject property is used commercially and is located on the north side of State Road 32, east of the NAPA Auto Parts store (the "Property"). The Property is located in the Local Business (LB) District and contains an antique shop, a restaurant, an auction house, and a storage building.

Project Description

The City is assisting an existing Westfield auto repair business in relocating their operation to the Property. Such relocation would provide an opportunity for the City to redevelop the existing Mufflers and More site in accordance with the Grand Junction Master Plan.

The proposal is to build a new building that includes a service area, an office area, and a customer waiting area (the "Proposal"). The building would be located between the existing antique shop and the existing storage building on the Property. The Appellant is requesting variances in order to permit auto repair in an LB District and to modify the identified development standards to permit construction of the proposed new building.



Grand Junction Plan

One objective of the Grand Junction Plan is to create a downtown area that is pedestrian-friendly and active. As the Grand Junction area is revitalized, it is anticipated that more pedestrians will be downtown. Successfully relocating this business from downtown to the Property, will help achieve the Grand Junction Plan's vision for a "comfortable walking environment" in Downtown Westfield.

PROCEDURAL

A Board of Zoning Appeals shall approve or deny variances of use from the terms of the zoning ordinance. The board may impose reasonable conditions as a part of its approval. A variance may be approved under IC 36-7-4-918.4 only upon a determination in writing that:

STANDARDS FOR USE VARIANCE REQUEST

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

Finding: It is unlikely that the Proposal would be injurious to the public health, safety, morals, and general welfare of the community. Locating an auto repair business outside of the pedestrian-oriented downtown area would likely reduce the potential conflict between pedestrians and vehicles, thereby creating a safer environment for downtown patrons.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

Finding: It is unlikely that the use and value of adjacent property will be affected in an adverse manner. Neighboring buildings and uses to the north, south, and east are commercial. Neighboring uses to the west are an auto parts store and a private school, which are both heavily screened by a mature stand of trees.

3. The need for the variance of use arises from some condition particular to the property involved:

Finding: The Comprehensive Plan supports service uses, such as auto repair shops, in this area of the community.

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:

Finding: The Property is zoned for local business uses. Given the surrounding land uses, the proposed project is a reasonable reuse of the property. Additionally, the Comprehensive Plan supports the proposed use.

5. The approval does not interfere substantially with the comprehensive plan:

Finding: The Property is within the "Local Commercial" land use designation, where service uses are encouraged to be located. Relocating the business to the Property would comply with the Comprehensive Plan's recommendations for this part of the community. Additionally, moving the business out of the immediate downtown area helps achieve the pedestrian-friendly objectives found in



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the Grand Junction Plan Comprehensive Plan Addendum.

RECOMMENDATIONS

Approve the request based on the findings of this report.

KMT